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UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,
Plaintiff

23-MJ-1115

Vs.
SIMON GOGOLACK,
Defendant

Buffalo, New York
August 30, 2023

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TRANSCRIPT OF DETENTION HEARING
BEFORE THE HONORABLE JEREMIAH J. MCCARTHY
UNITED STATES MAGISTRATE JUDGE

U.S. ATTORNEY'S OFFICE - BUFFALO
BY: NICHOLAS COOPER, ESQ.
138 Delaware Avenue
Buffalo, New York 14202
Appearing on behalf of the Plaintiff

ROBERT J. BOLM, ESQ.
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Buffalo, New York 14203
Appearing on behalf of the Defendant

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Rochester, New York 14614

1 THE CLERK: All rise.

2 THE COURT: Good afternoon. Please be
3 seated.

4 THE CLERK: We are on the record in the
5 matter of United States of America versus Simon
6 Gogolack, criminal matter number 23-MJ-1115. We're
7 here for a detention hearing. For the Government we
8 have AUSA Nicholas Cooper. The defendant is present
9 with attorney Robert Bolm. From the United States
10 Probation Office, we have Officer Brian Mamizuka. The
11 Honorable Jeremiah J. McCarthy presiding.

12 THE COURT: Good afternoon everyone.

13 MR. COOPER: Good afternoon, Your Honor.

14 THE COURT: Mr. Bolm, welcome. Sir?

15 MR. BOLM: Okay. Oh, welcome. Yeah. I'm
16 hard of hearing, Your Honor.

17 THE COURT: All right. Sir, are you
18 admitted to practice in this court?

19 MR. BOLM: In federal court, yes, sir.

20 THE COURT: You are? Okay. Because our
21 records --

22 MR. BOLM: From 19, oh, 67 or 68.

23 THE COURT: In this court?

24 MR. BOLM: Yeah, federal court.

25 THE COURT: Are you fully retained to

1 represent Mr. Gogolack?

2 MR. BOLM: Yes.

3 THE COURT: Okay. Counsel, have you both
4 received today's pre-trial services report?

5 MR. COOPER: Yes, Judge.

6 MR. BOLM: Yes.

7 THE COURT: Okay. Are we ready to proceed?

8 MR. COOPER: Yes, Judge. I would just like
9 to make a brief record before we begin with the
10 detention portion. Um, there's a voluminous amount of
11 voluntary early discovery that the Government loaded
12 onto a disc and created a letter documenting the
13 contents of the disc, and essentially, everything that
14 I'm going to talk about during the proffer today is
15 contained on the disc and I provided that to defense
16 counsel before Your Honor took the bench, and so, um,
17 I just wanted to make that record that a voluminous
18 amount of early discovery has been turned over um and
19 I guess I would like for counsel to just acknowledge
20 receipt of that material.

21 THE COURT: Well, let me ask you first. So
22 are you going to be relying on materials from the disc
23 at today's hearing?

24 MR. COOPER: Well, I'm going to be
25 proceeding by proffer which the Government does --

1 THE COURT: No, I understand, but are you
2 going to be referencing materials that are on the disc
3 in today's proffer?

4 MR. COOPER: Absolutely, Judge.

5 THE COURT: All right. He hasn't had a
6 chance to look at the disc or download anything from
7 it?

8 MR. COOPER: Correct, Judge. The Government
9 has been in contact with him since last week, and I
10 don't want to get into reasons why it wasn't able to
11 be provided earlier on the record right now if counsel
12 wants to but it's -- the material ease have been
13 available. The easiest way to convey it to counsel
14 was to hand it to him when he appeared in court today,
15 so that's what I did.

16 THE COURT: You --

17 MR. COOPER: But the material has been
18 available. I spoke with him last week.

19 THE COURT: Okay. All right.
20 (There was a pause in the proceeding.)

21 THE COURT: Mr. Bolm, are you ready to
22 proceed today or do you need an adjournment?

23 MR. BOLM: I would need an adjournment, Your
24 Honor.

25 THE COURT: How much time do you need?

1 MR. BOLM: Oh, just a couple weeks.

2 THE COURT: A couple weeks? You understand
3 that --

4 MR. BOLM: Oops. Pardon?

5 THE COURT: You understand that Mr. Gogolack
6 will remain detained until we have a hearing. Do you
7 understand that, sir?

8 MR. BOLM: Right, yeah.

9 THE COURT: All right. When do you want to
10 hold a hearing?

11 MR. BOLM: Well, let's push for a week.
12 Let's do that.

13 THE COURT: Okay. Um, Joanna, how about a
14 week from today would be September 6.

15 MR. BOLM: Okay. Let me get this. Okay.

16 THE CLERK: Judge, you have 1:00 available.

17 MR. BOLM: Okay. Now, what's the date we
18 got?

19 THE COURT: September 6 at 1:00 if that's
20 good for everyone.

21 MR. BOLM: September 6 at 1:00? That's
22 good.

23 THE COURT: Mr. Cooper, is that okay with
24 you?

25 MR. COOPER: Everything works for the

1 Government, Judge.

2 THE COURT: Okay. Mr. Mamizuka, will you be
3 available then or someone from your office?

4 OFFICER MAMIZUKA: Yes, Judge.

5 THE COURT: All right. Then we'll continue
6 the hearing until September 6 at 1 p.m. Defendant
7 will be remanded. I just encourage counsel to, and
8 I'm sure you have, but to communicate with each other
9 so that we have all the logistics in place to go
10 forward a week from today.

11 MR. COOPER: And Judge, if I could just
12 address that briefly. To the extent that the
13 discoverable material I provided is on a cd, if
14 counsel is having trouble opening what's on the cd or
15 viewing it, you are invited to come to the U.S.
16 Attorney's Office and I'll load up a computer and we
17 can watch through it all together so you'll see
18 everything. Just call me. You have my cell phone
19 number; right?

20 MR. BOLM: Okay.

21 MR. COOPER: Okay. All right. Thanks,
22 Judge.

23 THE COURT: All right. Thank you all.

24 (Proceeding concluded at 2:43 p.m.)
25

CERTIFICATE OF COURT REPORTER

I certify that this is a true and accurate
record of proceedings in the United States District
Court for the Western District of New York before the
Honorable Jeremiah J. McCarthy on August 30, 2023.

S/ Brandi A. Wilkins

Brandi A. Wilkins

Official Court Reporter